

Murkowski
Murphy
Murray
Ossoff
Padilla
Peters
Reed
Rosen

Sanders
Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow
Tester

Van Hollen
Warner
Warnock
Warren
Whitehouse
Wicker
Wyden

NAYS—43

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Cornyn
Cotton
Crapo
Cruz
Daines
Ernst
Fischer

Graham
Grassley
Hawley
Hoeven
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Paul
Portman

Risch
Romney
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Young

NOT VOTING—1

Rounds

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 43.
The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Jeffrey M. Prieto, of California, to be an Assistant Administrator of the Environmental Protection Agency.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 191, Rajesh D. Nayak, of Maryland, to be an Assistant Secretary of Labor.

Charles E. Schumer, Jacky Rosen, Thomas R. Carper, Tina Smith, Mazie Hirono, Tammy Baldwin, Richard Blumenthal, Tammy Duckworth, Gary C. Peters, Elizabeth Warren, Richard J. Durbin, Jeanne Shaheen, Christopher A. Coons, Angus S. King, Jr., Kirsten E. Gillibrand, Ben Ray Lujan, Brian Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Rajesh D. Nayak, of Maryland, to be an Assistant Secretary of Labor, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 455 Ex.]

YEAS—53

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Collins
Coons
Cortez Masto
Duckworth
Durbin
Feinstein
Gillibrand
Hassan
Heinrich

Hickenlooper
Hirono
Kaine
Kelly
King
Klobuchar
Leahy
Lujan
Manchin
Markey
Menendez
Merkley
Murkowski
Murphy
Murray
Ossoff
Padilla
Peters

Reed
Romney
Rosen
Sanders
Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow
Tester
Van Hollen
Warner
Warnock
Warren
Whitehouse
Wyden

NAYS—46

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Cornyn
Cotton
Cramer
Crapo
Cruz
Daines
Ernst
Fischer

Graham
Grassley
Hagerty
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Paul

Portman
Risch
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Wicker
Young

NOT VOTING—1

Rounds

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46.
The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Rajesh D. Nayak, of Maryland, to be an Assistant Secretary of Labor.

The PRESIDING OFFICER. The Senator from Utah.

RESTORING TRUST IN PUBLIC HEALTH ACT

Mr. LEE. Madam President, I have now come to the Senate floor 12 times to speak against President Biden's unconstitutional and unwise vaccine mandate. I have introduced 12 bills to counter and limit the mandate. Each time I have asked for one of these bills—each of which should be uncontroversial—and tried to get the Senate to pass them, one Senator or another from across the aisle has objected.

Some of these bills have required only transparency. Other bills would have ensured that religious and medical exemptions be honored. Others still would simply require parental consent before vaccinating children.

While far from the right answer of empowering Americans with all the information to make the decision themselves on when, whether, and under what circumstances to receive the COVID-19 vaccine, these commonsense bills would make the situation better. Each one of them would make it better. Each one of them is and properly should be uncontroversial.

Now, throughout the process, I have been criticized by those on the other

side of the aisle. I have been accused of attacking science and our institutions and somehow perpetuating the virus. Nothing could be further from the truth—nothing. I am for the vaccine. I have been vaccinated. Every member of my family has been vaccinated. I have encouraged others to be vaccinated all along. Nevertheless, Madam President, my support for the vaccine cannot, must not, and will never supersede my sworn oath to uphold, protect, and defend the Constitution of the United States; nor can it supersede the rights of Americans who should, in any free society, in any fair society, be at liberty to make their own properly informed medical decisions. This right has been recognized and it has been rightly celebrated throughout American history.

Another principle deeply enshrined, embedded, built into our Constitution that has been wholly ignored in implementing this mandate and countless other infringements of the rights and freedoms of Americans is the separation of powers. Checks and balances require that all ministers, consuls, and officers of the United States be confirmed by the advice and consent of the Senate. Some of us take that responsibility very seriously.

Any commissioned officer in the military being promoted to O-4 rank or higher requires Senate confirmation. That, of course, is the equivalent of a major in the Army. In other areas of government, positions such as members of the Advisory Board for Cuba Broadcasting, the board of the African Development Foundation, members of the National Councils on the Arts and Humanities, members of the National Science Board, and board members of the Corporation for National and Community Service all require Senate confirmation—every one of them.

Oddly, one position that has exerted huge power over the American people, particularly in recent years, does not require Senate confirmation. The Director of the Centers for Disease Control and Prevention manages over 10,000 employees and has requested over \$15 billion for the Centers' fiscal year 2022 budget.

The CDC, in recent months, has suspended property rights nationwide. It has provided capricious recommendations that local and State officials have used to strictly limit freedoms across the country. The CDC has shown through its own actions and the effects of those actions just how powerful it is. The sheer immensity of the CDC's power has been demonstrated over and over and over again on wide public, very prominent display for the American people to see and witness and experience.

We can and we should debate the authorities of the CDC here in Congress because Congress is, of course, the branch of government most accountable to the people at the most regular intervals. That is why the most dangerous powers, really, are lodged here,